

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 22-cr-85-jdp

TODD ALLYN VALENTINE,

Defendant.

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PRELIMINARY ORDER OF FORFEITURE

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Based upon the motion of the United States, the entire file in this case, and good cause appearing, the Court finds that:

1. On July 14, 2022, a federal grand jury sitting in Madison, Wisconsin returned an Indictment against defendant Todd Allyn Valentine. The indictment charged that on or about April 20, 2021, the defendant knowingly and intentionally possessed with the intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance in violation of Title 21, United States Code, Section 841(a)(1). Count 2 charged that on or about April 20, 2021, the defendant knowing he had previously been convicted of an offense punishable by a term of imprisonment exceeding one year, knowingly and unlawfully possessed in or affecting commerce a loaded Ruger .22 pistol, said firearm and ammunition having previously traveled in and affected interstate commerce in violation of Title 18, United States Code, Section 922(g)(1). Count 3 charged that from in or about March 2021, to in or about April

2021, the defendant knowingly used and maintained a place, specifically, N9391 Highway 53, Lot 44, Holmen, La Crosse County, Wisconsin, for the purpose of manufacturing, distributing, and/or using a controlled substance, specifically, methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 856(a)(1). The indictment also contained a forfeiture allegation for the forfeiture of \$6,644.00 in U.S. currency; a Ruger, Model SR22, .22 caliber pistol; nine rounds of .22 caliber ammunition. ECF No. 2.

2. Pursuant to the plea agreement filed on October 11, 2022, the defendant agreed to the forfeit the \$6,644.00 in U.S. currency; a Ruger, Model SR22, .22 caliber pistol; nine rounds of .22 caliber ammunition. ECF. No. 14.

3. On September 20, 2022, the Federal Bureau of Investigation administratively forfeited the \$6,644.00 in United States currency. See attached as Exhibit 1 the Declaration of Administrative Forfeiture.

IT IS THEREFORE ORDERED:

1. That based upon Todd Allyn Valentine's plea agreement, and pursuant to 18 U.S.C. § 924(d)(1); 28 U.S.C. § 2461(c); 21 U.S.C. § 853; and Rule 32.2 of the Federal Rules of Criminal Procedure, the defendant forfeits to the United States his right, title, and interest in the following:

a. a Ruger, Model SR22, .22 caliber pistol; a magazine; and nine rounds of .22 caliber ammunition.

2. The government is directed to seize and take custody of the above-referenced property.


3. Pursuant to 21 U.S.C. § 853(n), as incorporated by 28 U.S.C. § 2461(c), the United States shall publish notice of the order and of its intent to dispose of property in such a manner as the Attorney General may direct. Any other person, other than the defendant, having or claiming a legal interest in any of the forfeited property must file a petition with the Court within thirty days of final publication notice or receipt of actual notice, whichever is earlier.

a. The petition shall be for a hearing to adjudicate the validity of a petitioner's alleged interest in the forfeited asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited asset and any additional facts supporting the petitioner's claim and the relief sought.

b. To the extent practicable, the United States may also provide direct written notice to any person who has an alleged interest in the forfeited asset, as a substitute for published notice.

4. Upon adjudication of any and all third-party interests, this Court will enter a Final Order of Forfeiture, pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

ORDERED this 25<sup>TH</sup> day of October 2022.

  
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JAMES D. PETERSON  
United States District Judge